

Chapter 140

WATER

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[HISTORY: Adopted by the Town Board of the Town of Elma 8-5-1964 by Ord. No. 8; amended in its entirety 12-19-2018. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 52.

Sewers — See Ch. 115.

Cross-connection control — See Ch. 59B.

Subdivision of land — See Ch. 123.

Excavations — See Ch. 75.

Zoning — See Ch. 144.

ARTICLE I
General Provisions

§ 140-1. Purpose.

The purpose of this chapter is to promote the general health, welfare and safety of the inhabitants of Elma, through regulations, supervision and control of the water system and supply of the Elma Water District. It is hereby declared the policy of the Town Board of Elma by means of this chapter to provide such regulation, supervision and control and to provide for the operation and maintenance of the Elma Water District.

§ 140-2. Definitions.

In interpreting and applying the provisions of this chapter, the following definitions shall prevail:

BUILDING — Includes any structure of enclosure to which water is supplied, whether occupied or vacant.

PREMISES — Includes all places to which water is supplied, whether occupied or vacant.

WATER DEPARTMENT — The person, group or department of the Town, appointed or created by the Elma Town Board, having charge of the furnishing of water either within or without the water district.

§ 140-3. Conformance to provisions required.

- A. No person, building or premises shall apply for or receive water from the Elma Water District, except in accordance with the provisions of this chapter. The provisions of this chapter and any rules and regulations adopted hereunder shall be deemed a part of any contract for the furnishing of water, and any person applying for, receiving, accepting or paying for water service from the Elma Water District and/or the Water Department shall be considered, as part of the consideration for receiving such service, as having agreed to be bound by said provisions and rules and regulations.
- B. Any person who knowingly receives or knowingly permits premises owned or occupied by him to receive water from the Elma Water District except in accordance with this chapter or said rules and regulations shall be guilty of a violation of this chapter, punishable as provided hereinafter.

ARTICLE II
Permits

§ 140-4. Application.

Any person desiring to purchase or receive water from or to connect into the Elma Water District or any of its mains or water transmission lines, or for replacement and modification of an existing installation, shall apply to the Water Department, upon forms provided by the Water Department. Applications shall be made by the owner of premises or his agent authorized in writing.

§ 140-4.1. Water service; permit requirements.

Water service shall not be provided for any building or structure in the Town of Elma unless there is in effect for said building or structure a building permit or an existing certificate of occupancy issued by the Elma Building Department.

§ 140-5. Fees payable prior to issuance.

No permit shall be granted for the installation, replacement or modification of water supply for the Elma Water District until the fees for tapping mains, connections for service, advance rentals or deposits and any other authorized charges have been paid.

§ 140-6. Access to premises.

For the purposes of inspection, installation, maintenance, repair, meter reading, turning on or shutting off water, authorized personnel of the Water Department shall have free and full access, at all reasonable times, to all parts of any premises supplied with water from the Elma Water District or upon which application has been made to the Water Department or to which water is reasonably believed to be supplied. Filing of an application shall, in addition to the provisions of this section, be deemed consent to such access.

ARTICLE III
Private Service Lines

§ 140-7. Installation and maintenance to conform to requirements.

The installation and maintenance of private service lines, excluding the mains and lines of the Elma Water District, shall be in accordance with the following provisions and specifications.

§ 140-8. Inspections; fee.

No private service line from a water district pipe or main shall be installed, altered, replaced or used until the same has been inspected and approved by the Water Department. A fee of \$90 shall be paid to the Water Department upon filing an application for each inspection.

§ 140-9. Street openings.

No opening shall be made in any Town highway, except with the consent and approval of the Town Superintendent of Highways, upon such terms and conditions as he shall require, including the posting of a reasonable bond if, on his reasonable judgment, such bond is necessary. For this purpose, the Superintendent may prepare reasonable requirements for such openings to be filed with the Water Department.

§ 140-10. Taps and connections.

All connections to or taps of water mains for water service shall be made by or under the supervision of the Water Department. A receipt for tapping fees shall be on file with the Water Department in advance of making such connection or tap.

§ 140-11. Line specifications.

- A. All private lines up to the meter shall be installed, maintained, altered or replaced with Type K copper tubing which shall conform to ASTM Designation 888, latest revision, of the following widths and thickness:

Width (inches)	Thickness (inches)
3/4	0.065
1	0.065
1 1/4	0.065
1 1/2	0.072
2	0.083

- B. All joints in Type K copper tube service lines between the curb stop and meter shall be made with compression fittings.

§ 140-12. Trenches.

- A. The service line shall be laid out not less than four feet below the established grade of the adjacent street or existing ground level; but where it is impractical to meet the Department requirement by reason of existing conditions, the Water Department may, upon application therefor, grant a permit for some other method of installation.
- B. All service lines shall be laid in a separate trench at least three feet distant horizontally from any other

§ 140-12 underground facility and in solid ground. The placing of water service line in the same trench as that occupied by sewer pipe, gas pipe or other utility lateral connections will not be permitted except by special authorization of the Water Department in extraordinary cases, including where solid rock is encountered. § 140-17

§ 140-13. Tapping point.

The Water Department shall designate the point at which the water main is to be tapped and also the position of the service pipe connection at the tap. The Water Department shall make necessary excavations for all taps, which shall be at least four feet square and not less than six inches below the main.

§ 140-14. Replacement of taps.

No new tap shall be made to a water main to connect with a service line which is intended to replace an existing service line unless the existing service line is properly disconnected at its tap to the water main. The expense of such disconnection shall be borne by the applicant.

§ 140-15. Abandoned taps.

Where a service line is abandoned, the service line must be shut off at the tap and disconnected at the expense of the owner.

§ 140-16. Multiple users.

There shall be a separate and distinct tap for the service of each premises supplied with water. Multiple taps to any one premises may be installed upon application of the owner, at the discretion of the Water Department. Each meter must have a distinct service line and its own distinct curb stop.

§ 140-17. Maintenance.

All outside service lines, building service pipes, outlets and fixtures shall be maintained in good order and repair and protected from frost, leaks and breaks and must be promptly repaired if not in good order to prevent waste of water. If the owner fails to observe these requirements, the Water Department may shut off the water supply and assess the cost thereof against the real property affected, to be collected as part of the water rent.

ARTICLE IV
Tapping Charges

§ 140-18. Fee.

Any person who desires to receive water from the Elma Water District shall, in connection with his application, pay a charge, as established from time to time by resolution of the Town Board, for the tapping of water mains, unless a tap to the main was installed at the time of original construction.

§ 140-19. Service for separate buildings.

If service is desired for two separate buildings, the charge shall be the same as for two separate tapplings, in accordance with the charges established pursuant to § 140-18.

§ 140-19.1. Service for duplex buildings.

In the case of a duplex, the owner has a choice to either apply for two complete separate applications, pay for standard tapping fees, inspection fees and meter deposit fees or apply for two complete separate applications, pay for one-inch tap and two three-quarter-inch meter deposits, add a T fee of \$150 (must be two feet apart) and two inspections. Determination can be made by the owner at the time of application.

§ 140-20. Variances in size or type.

The Superintendent may authorize a different size or type of tap, in extraordinary cases, giving due regard for proper standards for the preservation of pressures and flow.

§ 140-21. Change in charges.

The Town Board, at its regular meeting, may increase or decrease the above tapping charges by not more than 10% at any one meeting.

ARTICLE V
Water Meters

§ 140-22. Supply and installation.

All meters used to measure water purchased from the water district shall be supplied by the water district, and no meter shall be installed unless supplied by the water district. Each meter shall be installed by the Water Department after payment of the fee specified hereinafter.

§ 140-23. Deposits.

At the time of application for water service, the following must be paid in full; tapping fee, inspection fee, meter deposit for each meter up to one inch in size; the amount of meter deposit is to be fixed by resolution of the Town Board from time to time. For meters over one inch in size, the deposit is based on the actual cost of the meter at time of purchase. A quote will be obtained by the Water Department and the applicant will be advised of the cost.

§ 140-24. Installation and maintenance.

- A. The Water Department will install and maintain meters and meter couplings. Meters shall be set as nearly as possible to the point of entry of the service connection pipe to the building and shall be kept unobstructed and easily accessible to Water Department employees at all times. The Water Department in its rules and regulations may require a meter to be set in a pit or box other than the customary location of the meter, which pit or box is to be provided by and at the expense of the consumer and located near the front property line of the premises. The installation must meet the current adopted specifications for that type meter installation.
- B. The Water Department will at regular intervals determine a meter's accuracy and will replace the meter or its defective parts in improperly operating meters, at its expense, in meters up to two inches in size, except where meters are damaged by frost, hot water or from external causes. The meter shall, after installation, be sealed by the Water Department which shall thereafter have complete control of thereof. No sealed meter may be removed without a written permit from the Water Department.
- C. Permanent meter installation requires a two-inch or larger-size bypass around the meter and a valved spur pipe on the building side of the meter for test purposes. The design of such special meter settings shall be submitted to the Water Department for approval before construction by the consumer is undertaken. The Water Department will test meters at regular intervals to determine their accuracy and will replace defective parts in improperly operating meters at the customer's expense. The meter shall, after installation, be sealed by the Water Department, which shall thereafter have complete control thereof. No sealed meter may be removed without a written permit from the Water Department.

§ 140-25. Tampering with equipment.

No person other than an employee of the Water Department shall interfere with or remove any water meter, sealing device or coupling from any meter installation after it has once been placed in service by the Water Department.

§ 140-26. Size.

The Water Department shall determine the proper size of meter to be installed and shall have the right to change the meter at any time it is necessary in order to ensure its proper operation.

§ 140-27. Damage to equipment; cost of repairs.

Any meter damaged by frost or by hot water or steam backing into the meter or by an external cause shall be repaired by the Water Department at the expense of the property owner, and the water service may be disconnected until such corrective action is taken to prevent a recurrence of the incident which caused the damage. The charge

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for such repairs shall be fixed from time to time by resolution of the Town Board.

§ 140-29.1

§ 140-27.1. Relating to meter damage and cost of repairs.

The charge for such repairs shall be based on the cost of removing, repairing, testing and replacing said meter, plus 15% for department overhead. There shall be a minimum charge of \$25 for a three-quarter-inch meter, \$35 for a one-inch meter and \$50 for a meter larger than one inch.

§ 140-28. Test for accuracy.

Consumers, upon request, may have the meters serving their premises tested by the Water Department in their presence or that of a duly authorized representative. If the meter so tested shall be found to register not more than 103% of the amount of water actually passing through it, a charge in the amount of \$15 shall be paid by the consumer for testing a meter one inch or less in size, and, for meters larger than one inch in size, the actual expense, including overhead, incurred by the Water Department in removing, testing and replacing the meter shall be paid by the consumer.

§ 140-29. Meter reading and maintenance.

Employees of the Water Department, in the performance of their duties, shall be permitted to enter the premises of any consumer at any reasonable hour to remove, replace, repair or test the meter, to make a record of the quantity of water used, to inspect the premises to determine the manner of water use or to enforce the provisions of this Water Chapter. If the Water Department is unable to read a meter after two successive attempts, the charge will be estimated on the basis of prior use in comparable periods and the difference adjusted when the meter is again read. If the meter is damaged or fails to operate, the bill will be based on the average use during prior comparable periods unless there is evidence that the use is not normal and the average use for comparable periods is not properly applicable, in which case the charge will be estimated by some other method which the Water Department considers equitable.

§ 140-29.1. Meter reading card.

In all instances, except for industries and meter pits, the consumer will be mailed a meter reading card, with postage prepaid, with a request that the consumer fill in, in the space provided, the consumption figures on the water meter. The meter reading card should be filled in and returned by the 16th of the month of receipt. If the meter reading card is not so received, the bill will be estimated using previous readings on the consumer's account ledger. For the third estimate, covering nine months' water usage, the meter will be read and an additional service charge of \$25 will be added. For the fourth estimate, covering one years' service, a notice of shutoff of \$90 will be mailed with the meter reading card, and an additional service charge of \$25 will be added for the sending of said personnel.

ARTICLE VI
Water Rates

§ 140-30. Establishment.

The schedule of charges and rates for water service shall be as adopted annually or at any other time as determined by resolution of the Town Board, except that, if no action is taken by the Board, the most recently adopted schedules shall continue in effect.

§ 140-31. Basis for charges.

All water supplied shall be charged for on the basis of the amount registered on the meter or meters installed on the consumer's premises with a minimum charge as established by the Town Board. Where two or more meters supply the same premises and the consumer, the consumer, in addition to the fixed charges for all meters, shall be billed at the schedule of rates for a quantity of water equal to the sum of the readings on all meters on the premises.

§ 140-32. Water used for construction purposes.

A charge shall be made for construction purposes during the erection of any dwelling or business establishments. This is only available until the building is secure. This charge shall be fixed by the Town Board when it adopts the schedule of charges and rates herein provided for. For all other types of construction, water shall be metered. A \$40 turn-on/off fee is required, plus the current minimum charge for the first quarter, a current minimum charge for any fractional part of a quarter thereafter. Note: The Water Department is not liable for frozen meters or services. This is the sole responsibility of the owner and/or contractor.

§ 140-33. Special cases.

The Water Department, with the approval of the Town Board, shall determine the charges and rates in special cases to cover unusual conditions or types of service not contemplated in these rules and regulations or in the rates and charges set by the Town Board for regular service. No consumer will be allowed to supply water to other persons or premises, and no owner or occupant shall use water from another premises unless specific permission has been obtained in each case from the Water Department. The Water Department has the right to require, during a temporary period of emergency, that a consumer allow it to connect an adjacent premises to such consumer's piping, but in such case allowance will be made for any excess water registered on his meter.

§ 140-34. Billing procedure.

- A. Checks for payments of water bills and water charges shall be made payable to the Town Water Department. Meters will be read and bills rendered at regular quarterly intervals for all meters up to one inch in size. Bills for the previous quarter shall be due and payable at the office designated on the bill.
- B. If the quarterly bill remains unpaid for a period of 180 days after it becomes due, the water will be shut off until such bill is paid, together with any additional charge as fixed from time to time by resolution of the Town Board, which shall fix a charge both for restoration during normal hours and nonpayment.
- C. If a monthly bill remains unpaid for a period of 90 days after it becomes due, the water will be shut off as stated in Subsection B above.

§ 140-34.1. Restoration of service due to shutoff for nonpayment.

A \$100 service charge, 7:00 a.m. to 3:30 p.m., Monday through Friday, and a \$180 service charge for outside of normal business hours.

§ 140-34.2. Billing adjustment.

§ 140-34.2

§ 140-37

- A. An adjustment will only be given to a premises that had unintentional water loss caused by a broken service line between the meter pit and the house entry. The forgiveness will only be given on the current bill. If prior bills exist, it will not be taken into consideration. See Leak Adjustment Policy, adopted September 5, 2012.¹
- B. An adjustment will not be given to cover unintentional water loss after the meter inside of the premises, excess water due to left-on hoses, excessive irrigation, water-power sump pumps or neglect of wear-and-tear items such as toilet flappers, leaking faucets, water-softening systems, humidifiers and any water-distributing device attached to the items.

§ 140-35. Responsibility of property owner.

The Water Department, upon the written request of a property owner, will mail the water bills to the tenant or lessee using the water, but the owner shall remain responsible for all charges provided in this article, together with any penalties.

§ 140-35.1. Responsibility of property owner regarding sale of property.

It is the responsibility of the current property owner to contact the Water Department, a minimum of 10 days prior to the close of the house to request a final reading to be completed. Once the reading has been obtained, a final bill will be generated.

§ 140-36. Users outside district.

The Town Board may enter into a contract or contracts for the sale of water to users not within the Elma Water District. Rates for such use shall be specified in each such contract, provided that such rates shall not be less than the rates established for users within the district. In fixing such rates, the Board may consider whether any such applicant is assessed by the Elma Water District as a property owner within said district. Any contract for such service outside the district shall require the party requesting such service to comply with the provisions of this chapter.

§ 140-37. Unpaid charges to constitute lien.

- A. All water rents, penalties and interest thereon and all charges for tapping, connection and disconnecting and any other charges provided by this chapter shall be a lien on the real property upon which the water is used, and such lien shall be prior to every other lien or claim except the lien of an existing tax.
- B. The Town Clerk shall annually file with the Town Board and the Supervisor the amount of any such liens which have not been paid at the time and in the manner prescribed by the Town Board with a description of the real property affected thereby, and the Supervisor and the Board of Assessors may include such amount in the annual tax levy and transmit such statements to the Board of Supervisors, who shall levy the same upon the real property in default.
- C. Notwithstanding any other provision of this article or of the Town Law, the Superintendent of the Elma Water Department may, when a user terminates use of water service and requests refund of a meter deposit, deduct from said deposit any balance due the Water Department for water use. The Superintendent shall first send such user a voucher itemizing the deposit, the water charge and the balance due the user, if any. If the user does not return said voucher within 10 days with his signature affixed, the Superintendent may proceed to offset the meter deposit against the amount due, as above, and remit the balance, if any, to the user.

1. Editor's Note: See Art. IX, Leak Adjustment Policy (Service Line).

ARTICLE VII
General Regulations

§ 140-38. Temporary shutoff of service.

If a consumer desires to discontinue the use of water for a temporary period, the Water Department shall be given at least 24 hours' notice in writing for turning off the water and similar notice for turning it on again. If the temporary discontinuance is during the winter months, the Water Department, upon such request, will shut off the service at the curb cock and remove and place the water meter in its storeroom and will reinstall the same upon proper notice when required, and a charge to be fixed from time to time by resolution of the Town Board will be made to cover the expense incurred rendering this service; A \$40 service charge for storing a meter in our shop and turning water off at the street for a customer taking long-period vacations.

§ 140-39. Permanent shutoff of service.

If a consumer desires to discontinue the use of water due to permanent vacancy, the Water Department shall be given at least 24 hours' notice in writing, accompanied by a fee to be fixed from time to time by resolution of the Town Board, whereupon it will, at the time required, shut off the service and will read and remove the meter for the consumer and will render a special bill for the fractional period; A \$40 service charge for someone who no longer wishes to be a water customer for reasons of going back to their well or demolition of a structure.

§ 140-40. Fire service connections; lawn sprinkler connections.

- A. A service connection for private fire protection purposes may be secured from the Town upon application by the owner of the property involved. A drawing showing the proposed location of all valves, pipes, hydrants, sprinkler heads and other appurtenances to be installed shall be submitted with the application and in accordance with the adopted Town of Elma Cross-Connection Ordinance.²
- B. The Water Department will determine the necessity and advisability of installing any fire service connection in view of the size of the street main available, the existence of available fire hydrants and the possible effect on the main pipe system if such a service line were broken and open during a conflagration. Likewise, the Water Department will determine the proper size of each fire connection, which in no case shall be larger than 10 inches in diameter. The cost of installation of such a service, including an approved type of check valve with meter on a bypass located in a pit or vault, if required, shall be borne entirely by the applicant. An annual ready-to-serve charge, based on the size of the service connection and payable in advance, shall be made as follows:
 - (1) Four-inch: \$216.
 - (2) Six-inch: \$396.
 - (3) Eight-inch: \$648.
 - (4) Ten-inch: \$900.
- C. A fire service connection, except as provided in this section, will be subject to the same rules and regulations as apply to regular service connections. No connection shall be made at any time between the fire protection system and the regular water supply on the premises or any other supply, regardless of source, unless specifically approved by the Water Department. A fire service connection is exclusively for fire protection purposes. The use of water from this service for any other purpose whatever is prohibited. Any violation of the provisions shall be sufficient cause for discontinuing such service until reasonable assurance is given that the offense will not be repeated.

2. Editor's Note: See Ch. 59B, Cross-Connection Control.

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D. Service connections to supply lawn sprinkler pipe systems shall conform with the Water Departments Cross-Connection Control Ordinance³ as well as any and all New York State and Town health and sanitary codes. These service connections will be permitted only where the use of water for that purpose will not adversely affect regular service to neighboring consumers at periods of peak demand. The size and arrangement of pumps, if any, valves, check valves and other appurtenances shall meet the requirements of the Water Department.

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§ 140-41. Cross-connections.

All persons shall comply with the Town Cross-Connection Control Ordinance.⁴ No person owning or occupying premises receiving water service from the Town shall make or allow to be made any connection, either of a direct or of an indirect nature, between his piping system and a water supply from any other source or install or allow to be installed any fixture or appliance or waste or soil pipe from which water may flow, be siphoned or be pumped into any piping connected to the Town water system.

§ 140-42. Responsibility of contractors.

Where either hand excavation or excavating machines are used by contractors or others in digging trenches for sewers, drains, gas mains and conduits, or in connection with any other underground excavation work, all water mains shall be maintained in position at the expense of such persons or contractors. Contractors or others working in the public street must ascertain for themselves the location of all water service connection pipes. Where they are removed, cut or damaged in the construction or repair of a sewer, drain, gas main or conduit or in connection with any other underground excavation work, such person or contractor must, at his expense, cause them to be replaced or repaired in accordance with the requirements of or directly by the Water Department, promptly, and he must at once notify the Water Department of the interruption of service and must reimburse the Department for any expense to it in providing temporary service and in restoring regular service.

§ 140-43. Responsibility for facilities within streets or easements.

The Water Department will operate, maintain and, where necessary, replace all existing mains and appurtenances, fire hydrants and other facilities within the territory of any street or any easement that is under the jurisdiction of the water district, except that repair or damage resulting from collision or any other external cause shall be paid for by the person causing such damage.

§ 140-44. Meddling with Equipment by unauthorized persons prohibited.

No unauthorized person shall open or close any valve, hydrant or curb cock or interfere or meddle with any hydrant, valve, pipe or main curb cock, meter or other fixture or appurtenance connected with the water system of the Town. The Water Department shall control all mains, taps, gate valves, street service connections, curb stopcocks, and gate valves, boxes and meters and may, whenever such facilities are operated or interfered with in any way in violation of these rules and regulations, discontinue the water service to the premises involved, which action shall be in addition to the penalties provided for by this chapter. No person shall, except with a permit from the Water Department, allow contractors, masons or other unauthorized persons to take water from his premises or operate any valve connected with the distribution system.

§ 140-45. Fire hydrants.

A. Fire hydrants are, except under special circumstances and with permission of the Water Department, for the sole use of the various fire companies of the Town furnishing fire protection services. Tampering with any fire hydrant or the unauthorized use of water therefrom is a violation of this article. In cases where no other

3. Editor's Note: See Ch. 59B, Cross-Connection Control.

4. Editor's Note: See Ch. 59B, Cross-Connection Control.

§ 140-45 supply is available, permission may be granted by the Water Department for temporary use of the hydrant. § 140-50

- B. If a property owner or other party desires a change in the location of a fire hydrant, he shall bear all costs of such change. Any change in location of a fire hydrant must be approved and the work done by the Water Department.

§ 140-46. Responsibility for certain types of damage.

- A. The Town and the water district make no guarantee as to the amount or consistency of pressure or volume of the water it furnishes and will not, under any circumstances, be responsible for any loss or damage from any excess, deficiency or variation in the pressure, volume or supply of water or for loss or damage caused by water escaping from or obstructions in a service line, due to frost or any other cause, or for any loss or damage as a result of water escaping from laterals, fixtures, appliances or pipes owned by consumers.
- B. The Water Department shall have the right to shut off the water in the mains temporarily to make repairs, alterations or additions to the plant or system, but the district will not be responsible for damages resulting directly or indirectly from any interruption of the water supply.
- C. When it becomes necessary to shut off the water from any section of the water system, the Water Department will endeavor to give notice to as many of the consumers affected thereby as time will permit and will, so far as practicable, use its best efforts to prevent inconvenience and damage; but failure to give such notice shall not make the Town or district responsible or liable for any damages that may result either directly or indirectly from shutting off the water.

§ 140-47. Safety devices.

In cases where boilers or other appliances in a premises depend upon the pressure in the service line to keep them supplied with water, the owner or occupant shall place suitable safety devices to guard against the impossibility of collapse or explosion when the water supply is interrupted. Likewise, such owner or occupant shall protect water-cooled compressors for refrigeration systems by means of high-pressure safety cutout devices and shall provide means for the prevention of the transmission of water hammer or noise of operation of any valve or appliance through his piping to any adjacent premises. Failure of the owner or occupant to provide such safety devices shall in no way make the Town responsible for any resulting damages.

§ 140-48. Curtailing of water supply; water shortages.

The Water Department shall have the right to curtail the amount of water supplied in the event that its supply becomes limited. The Water Department in case of a shortage of water may limit or prohibit the use of water for sprinkling of lawns or gardens for any purpose not deemed necessary for the maintenance of public health. Where water is wastefully or negligently used on a consumer's premises seriously affecting the general service, the Water Department may discontinue the service of such premises if conditions are not corrected within 24 hours after giving such customer written notice, or, if any emergency exists, it may discontinue service without notice.

§ 140-49. New Roads.

Before any road, on a subdivision or otherwise, shall be accepted by the Town Board as a Town highway, the person offering such road to the Town shall install in or along such road water pipes or mains sufficient to provide water service for any and all dwellings or structures proposed to be erected along such road. In lieu thereof, and in addition to any other deposit or security required for acceptance of such road, the Town Board may require a deposit or security for installation of such pipes or mains.

§ 140-50. Promulgations of rules and regulations.

For the purpose of carrying out the purpose and provision of this chapter, the Water Department may prepare

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rules and regulations not inconsistent with the specific provisions hereof, which shall be complied with by all applications for water service and users thereof. Such rules and regulations shall be approved by the Town Board and shall be filed with the Town Clerk and shall be available for the guidance of all such applicants and users. Any person objecting to the provisions of any such rules and regulations may file such objection with the Town Board which shall determine the effect thereof.

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ARTICLE VIII
Penalties

§ 140-51. Penalties for offenses.

- A. In addition to any other violations set forth in this chapter or any statute of the State of New York, it shall be a violation for any person to cause damage to any water main, hydrant, meter or metering equipment, storage tower, standpipe or any facility or equipment used in providing water service by the Elma Water Department or for any person to turn on, without the permission of the Elma Town Board or a representative of the Elma Water Department, any hydrant which is a part of the water system operated by the Elma Water Department.
- B. Any person who violates any provision of this chapter which is declared to be an offense or violation shall be guilty of a violation and shall be punished by a fine not exceeding \$250 or by imprisonment not to exceed 15 days, or by both such fine and imprisonment.
- C. Where it is provided herein that a violation of this chapter, or any part or section thereof, shall result in a forfeiture or the imposition of a penalty, the Town Board may maintain an action or proceeding in any court of competent jurisdiction to collect such forfeiture or penalty and to compel compliance with this chapter by injunction or in any other legal manner.

ARTICLE IX
Leak Adjustment Policy (Service Line)
[Adopted 10-23-2019]

§ 140-52. Purpose.

The purpose of this policy is to provide a credit adjustment to the water account of a customer who has experienced an emergency situation involving the loss of metered water. The excess metered water will have occurred as a result of conditions beyond normal and reasonable control of the customer or other parties responsible for the use, care and maintenance of fixtures and devices that are part of the customer's water service system. Exceptions of this policy shall be approved by the Water Superintendent and the Town Supervisor.

§ 140-53. Definitions, abbreviations, and acronyms.

As used in this article, the following terms shall have the meanings indicated:

LEAK — An unintentional water loss caused by a broken service line between the meter pit and the house entry.

§ 140-54. Roles and responsibilities.

The customer is solely responsible for the water delivered beyond the Town's meter. It is the customer's responsibility to promptly discover, stop and report the loss of water. In addition, the customer is responsible for making arrangements to repair or have repaired the fixture or device causing the water loss. Although there is no obligation for the Town of Elma to adjust accounts when the water has been properly metered, it is the desire of the Town to encourage customers to make prompt and permanent repairs and to show consideration for the unusual circumstances by sharing the cost of the excessive billing charges.

§ 140-55. Process.

- A. The leak must be verified and repairs inspected by the Water Department.
- B. The customer must request the adjustment in writing by completing the leak request form. Forms are available at the Water Department office. Required information shall include:
 - (1) Name, service address where leak occurred and account number;
 - (2) Description of leak and date repaired;
 - (3) Copy of repair bill or material receipt;
 - (4) Signature of customer.
- C. The adjusted consumer's bill shall be calculated as follows:
 - (1) The Town may credit the customer's account per policy for the excess use subject to the following conditions:
 - (a) The meter was operating accurately, and not off an estimated reading;
 - (b) There was no evidence that the excessive use was due to an intentional or negligent act;
 - (c) The house and/or service line is over one year old;
 - (d) The customer has a good payment history;
 - (e) Customer will be responsible for all past-due balances;

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- (f) After being notified by the Town via billing, letter, door hanger, or by any other means, the customer took prompt and reasonable action to ascertain the cause of the excessive use and correct it;
 - (g) The customer took corrective action immediately (within 24 hours), upon discovering or being notified of a leak and provided the Town with proof of repair within 30 days from the billing date for the period in which the water loss occurred;
 - (h) No allowance shall apply to customers taking water for resale.
- (2) There will be a flat rate of 10% discount given on any unintentional water loss between the meter pit and house entry.
 - (3) (Reserved)
 - (4) Water loss adjustments will be limited to a one-time adjustment, per owner.
 - (5) Granting of an allowance adjustment shall be the sole discretion of the Town.
 - (6) A fee for administrative expenses may be deducted from the adjustment allowance.
 - (7) The Town shall recoup the cost of the water billed to the Town from the Erie County Water Authority and/or assigns, before it allows any adjustment allowance to the customer.
 - (8) The Town is not responsible for the maintenance and repair of the pipe and fixtures beyond the water meter.
 - (9) The customer submitting a request for adjustment shall not pay the bill that is being contested until approval or denial is determined. If determination is made after the due date the gross post will not be added due to the determination period of time.

§ 140-56. No exceptions.

An adjustment will not be given to cover unintentional water loss after the meter inside of the premises, excess water due to left-on hoses, excessive irrigation, water-power sump pumps or neglect of wear-and-tear items such as toilet flappers, leaking faucets, water-softening systems, humidifiers and any water-distributing device attached to the items.